

# FCS Update

A newsletter for family court service programs from the Statewide Office of Family Court Services

May 1998

## FCS Statewide Educational Institute is a Success!

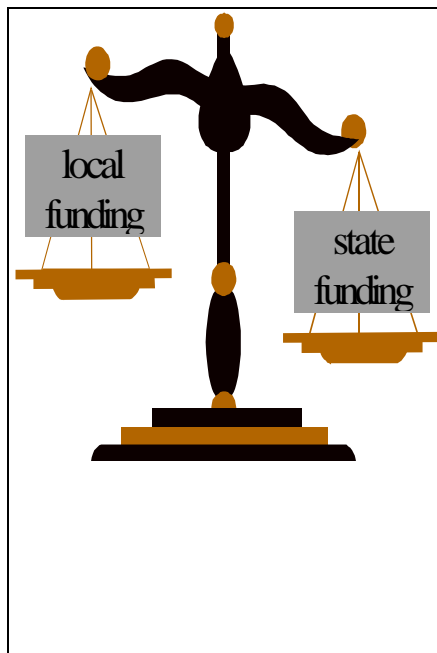
“Attention to Justice”, was the Statewide Educational Institute’s 1998 program theme this year. The three-day Institute held on March 12-14, 1998 at the Westin Hotel in San Diego in conjunction with the Family Law and Procedures Institute provided FCS Directors, supervisors, court-connected child custody mediators, evaluators, family law judges, facilitators, commissioners, and support staff with an opportunity to explore innovative approaches and challenges as instruments of justice.

The Institute attracted more than 400 attendees and received raving reviews on workshops and keynote presentations as evidenced from the evaluation forms which asked for repeat performances of Dr. Vivienne Roseby and Dr. Philip Stahl; Dr. Susan Hanks on Lethality Assessment of Domestic Violence; and Dr. Leslie Gray.

Court executives, supervisors, administrators, and FCS Directors

found the Management Training workshop put on by Mimi Lyster, Standards and Programs Coordinator for the Statewide Office to be highly informative and practicable.....

Congratulations to Phil Reedy, Training and Education Coordinator for the Statewide



Office on a superb selection of speakers, workshops, and training program. This years Educational Institute focus on “Attention to Justice”--a close or careful observing or listening; thoughtful consideration; readiness to serve” reminds the court and us to continuously take a close, careful observation or listening to the clients needs and readily serve.

## 1998 Spring Directors Meeting

The semi-annual Statewide Director’s meeting was held on March 11-12, 1998.

Isolina Ricci, Manager, Statewide Office of FCS kicked the meeting

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off with warm welcomes and introductions of new directors

The Spring Directors meeting was Co-chaired by David Kuroda (Los Angeles County) and Heidi Uptegrove (Tehama County) kicked. Topics discussed during the Springs Directors meeting included: Family Court Services projects and Working Groups; county summaries; updates and timetable for Uniform Standards of Practice; Orange County Domestic Violence Prevention Project and Domestic Violence Training for 730 evaluators; Dependency Mediation Funding; JBSIS and Communication Networks; Trial Court Funding; Legislation update; Juvenile and Family Court Coordination; and parent education

## “What’s Up in Your Court?”

County summaries from the semi-annual directors meeting despite reconstruction of trial court funding, counties are successfully implementing strategies and initiatives to meet the demands of the court and the needs of the client. Below are informational updates on pilot projects, county challenges and issues, and recent achievements.

Alameda County--has initiated a new dependency mediation program and their 1058 Facilitator program has been put under the

umbrella of the Family and Children Services Bureau.

Butte County--recently hired new personnel (first since 1989) and has established a Family Division within the Consolidated Courts.

Contra Costa County went from non-recommending to a recommending mediation county

Glenn County has finally received a judicial officer after 22 years and

Los Angeles county-received first salary increase in 6 years

Riverside county--new internship program; employee reclassification study

Shasta County--new internship program with Trinity County. Working on developing/hosting a network conference for the 9 Northern counties for the Fall 1998

Siskiyou county-creatin of a parent education program

Sonoma--has a family law department

Trinity county--working with Chico university, Simpson College, and Shasta college to develop internship program for FCS. Completed statistical accounting collection-first time ever

Ventura--starting 7/98 they will be a non-recommending county

Major issues and concerns/challenges facing the court and their programs consist of

Interfacing FCS services and other family new family law programs; establishing parent education; implementation f case coordination and consolidation; budget restraints; trial court funding and its impact on the court, programs,

and services; how to delineate between different services; increasingly cultural diverse community and the need of interpreter services; funding for evaluators; coordination of programs and statewide uniformity; data collection and statistics relative to caseloads and programs; juvenile dependency mediation; building a unified family court and coordinating services for families; facilitates; .



## Trial Court Funding

Over the last several months, the Judicial Council and the Administrative Office of the Courts, along with the California State Association of Counties and the Department of Finance, have worked together to familiarize the state judges, court administrators, and county executives with this historical new funding law. The Lockyer-Isenberg Trial Court Funding Act of 1997 (Assembly Bill 233), effective January 1, 1998, consolidates long-anticipated resolution to funding California’s third branch of government finally materialized in the wee hours of the morning on September 13, 1997.

Trial Court Services Division Director Kiri Torre provided FCS Directors with a summary of the key features of the Trial Court Funding Act of 1997. Briefly, the Act establishes that the state will assume primary responsibility for funding the trial courts. County

## Trial Court Funding (continued)

Contributions are capped at fiscal year 1994 - 1995 levels. Further, courts will have control over court spending and contracts for services, and will be held accountable for the quality of their services and operations. Current and future court operations will now be funded from three separate revenue streams.

Primary funding for trial court operations will come from the state. Counties will, however, contribute annually to the Trial Court Trust Fund in an amount equal to their fiscal year 1994 - 1995 court spending. They will also contribute an amount equal to the fines and forfeitures collected in fiscal year 1994 - 1995, plus 50 percent of the growth in those fines.

Secondary funding for the courts will come from two sources: the Trial Court Automation and Modernization Fund and the Assigned Judges Program. The Trial Court Automation fund is designed to fund Budget Change Proposals (BCP) for counties that have coordinated to the greatest extent allowed by law. Additional funds will add new judgeships. Over the long term, the Trial Court Facility Repair, Renovation, and Maintenance Fund will help to pay for needed facility improvements.

### ***How will your court gain access to additional funds under the Trial Court Funding Act?***

The function-based accounting and statistics are here to stay, but the Trial Court Funding Act allows us to look further than the numbers when building and operating our courts and court programs.

Successful future funding requests will: (a) have a clear programmatic focus and produce measurable results; (b) integrate and coordinate court operations and programs in innovative ways; and (c) represent collaborative efforts among related agencies, county departments, and other public or non-profit organizations.

Programs and courts that are considering adding staff, services or otherwise expanding their current funding requirements will most likely need to submit a Budget Change Proposal to the Trial Court Budget Commission (TCBC). Isa Ricci summarized an eight-step process for developing successful BCP's :

- 1. Identify the need.***
- 2. Tell what's happening now.***
- 3. Document any existing collaboration.***
- 4. Identify opportunities for future collaboration.***
- 5. Show why current efforts are not enough.***
- 6. Compare various problem-solving options and make a case for the preferred option.***
- 7. Obtain agreements to cooperate if funded (e.g.: Memorandum of Understanding, other contract).***
- 8. Describe how you will measure your success and demonstrate accountability.***

While the intended funding formulas and implementation guidelines for this bill are fairly easy to discern, many questions arise in implementation. Some questions will be easier to answer than others, and some answers will involve new rules, interpretive standards, and clean up legislation.

The Administrative Office of the Courts is already hard at work with

colleagues in both the legislative and executive branches to clarify the questions and find the answers.

Courts, counties, legislators, and others have raised questions about trial court funding. The AOC has collected and is in the process of answering nearly 100 of them. Among these questions are your queries which we have passed along. Your first update on these questions will be sent under separate cover. We will provide additional updates, as they are available, and will try to focus on answering the questions most likely to interest family court service programs as soon as possible. You can direct your questions to our office, or to Kate Harrison, a consultant in Trial Court Services ❖

## Alert! New Timetables for Standards

Over the next year, the Statewide Office of Family Court Services will provide training and technical support to implement the Uniform Standards of Practice for Providers of Supervised Visitation, and assist various committees to continue refining four mandated Standards of Judicial Administration or Rules of Court. Following is an update on each of these items:

### **1. Uniform Standards of Practice for Providers of Supervised Visitation**

The Judicial Council approved adoption of the Uniform Standards of Practice for Providers of Supervised Visitation as section

26.2 of the California Standards of Judicial Administration on November 14, 1997. These Standards become effective on January 1, 1998.

The Legislature directed the Judicial Council to adopt standards of practice for supervised visitation providers. Accordingly, the AOC, the Effective Service Models Working Group, and the Family and Juvenile Law Advisory Committee fielded a vast number of substantive and well-considered comments. Given the importance of this subject, opinions diverged widely.

## **2. Uniform Standards of Practice for Court Connected Child Custody Mediation**

Each FCS program received a fax requesting review and comment on these standards as re-worded for adoption as rule 1257.5 of the California Rules of Court. This document will be formally circulated to a wide range of commentators next spring.

The proposed rule revises language in the original standards for:

- a) the parent orientation process and materials;
- b) ethics and sensitivity to differences;
- c) client confidentiality, and training and education in the court's responsibility and clinical supervisor qualifications;
- d) interpretation of the best interests of the child;
- e) facilitating the family's transition;
- f) balancing power; and
- g) the process for conducting mediation.

Significant additions and revision were made regarding:

- a) all aspects of client access to services;
- b) the information-gathering process;
- c) parent education;
- d) the mediator's accountability and ethical responsibilities in the areas of neutrality, fairness, and creating trust;
- e) mediator training and continuing education standards;
- f) interviews for children;
- g) management of cases in which domestic violence was at issue; and
- h) ending or terminating mediation.

Meeting these service standards will pose serious challenges in some courts, given existing funding levels, caseloads, and staffing requirements. Nonetheless, they set the foundation to make a compelling argument under the Trial Court Funding Act to secure minimum resources to implement these mandates and to fulfill all related Family Law Act provisions, California Rules of Court, and Judicial Administration Standards.

## **3. Uniform Standards of Practice for Court Connected Child Custody Evaluations**

The Evaluation Standards Working Group will be meeting on January 16 to produce the version of the standards that will go forward to the Family and Juvenile Law Advisory Committee, public comment, and finally, the Judicial Council. The Legislature has directed the Judicial Council to prepare and adopt these standards no later than January 1, 1999.

## **4. Protocols for the Mediation of Domestic Violence Cases**

These standards will address the case intake, management, administration, and facilities needs for mediation clients affected by domestic violence. Per legislative mandate, we expect to complete the review, comment, and revision process next year and the standards will become effective on January 1, 1999.

## **5. Recommended Domestic Violence Training Curriculum for Child Custody Investigators and Evaluators**

The Legislature has mandated that the Judicial Council devise and adopts these standards to be effective January 1, 1999. The Domestic Violence Training Program for Custody Evaluators will be based on draft standards already developed. ♦

# **Building A Partnership Between FCS and AB 1058 Facilitators**

By now, almost all of the counties have brought their AB 1058 facilitators on board and are discovering just how valuable it is to have a resident expert to assist pro per litigants to file family law and support actions. In order to gain as much as possible from this new initiative, AB 1058 program staff members George Nielsen, Lee Morhar, Bonnie Hough, and Gail Gannon are busy building bridges within the Administrative Office of

the Courts, as well as among the local AB 1058 programs. Gail's task will be to develop research instruments and strategies to assess the need for this program, to describe local implementation models, and to evaluate the challenges and successes of this first program year.

Starting this month, the FCS and AB 1058 staff are meeting at least once a month to exchange information and discuss issues of common interest. We encourage all family court services and AB 1058 programs to build a strong foundation for exchanging information, working collaboratively to assist pro per litigants, developing opportunities for cross-training, and addressing the policy and procedural issues that will arise over time. ❖

## *“... All we want from FCS is ....”*

We share FCS program directors' interest in establishing new, more comprehensive communication links between the Statewide Office and local court programs. As a result, we have begun to schedule site visits to each and every court around the state. For each visit, we plan to bring a team consisting of FCS staff, regional court programs staff, and others as needed.

To make this process work better, please share with us your ideas about when, over the next two to three months, our visit would be most convenient, what kinds of

information you want us to bring, and which individuals you'd like to include in the meeting.

In an effort to provide an online vehicle to speed communications and reduce the load of paper generally associated with AOC-sponsored events, we have begun to explore our options, but we need more information from the programs. We appreciate your taking the time to complete and return the questionnaire included at the end of this newsletter.

Per our request, the program directors that attended the Statewide meeting let us know how the Statewide Office could be of service. FCS staff will be working with you in committees and in your courts to address these needs. Among the suggestions made were the following:

- continue to provide help in understanding how to build budget and program proposals that will succeed in light of the Trial Court Funding Act
- provide management training opportunities for new FCS directors and mediation supervisors
- provide education for legislative analysts so they will have a better understanding of FCS operations and realities
- provide opportunities for mutual support and mentoring for new and existing FCS directors
- develop a centralized electronic bulletin board or e-mail broadcast vehicle to keep everyone in touch and informed on a regular basis
- help with identifying both commonalties and differences among programs in different counties
- consider increasing the frequency of meetings with

directors when changes are happening quickly (as with trial court funding)

- reinstate the mediation exchange program (county staff travel to see others' models)
- plan more site visits by AOC staff and consultants
- help FCS programs to build stronger strategic alliances within their courts and with other county departments, agencies
- find new ways to include small counties in statewide dialogue about family court service issues
- provide more and regular clarification of data-gathering needs, requirements, and reporting responsibilities
- provide more DV training opportunities at the yearly and regional meetings
- provide direct assistance considering a transition from probation-based operation to court-based operations
- increase visibility of clearinghouse functions through information exchange about programs, strategies, etc.
- help programs and staff deal with the increased stress resulting from high staff turnover and shortened time available for mediations
- gather more statistics that will help in meeting funding imperatives
- individualize tech support for funding and program design issues
- help counties and directors to reach consensus about measurements of "reasonable" workloads and of "quality" services
- develop FCS program administration guidelines that would help even out the differences in various program

and service delivery models and provide some minimum thresholds for what programs should be doing and achieving

- help FCS coordinate with CPS both within individual counties and between counties
- help FCS programs develop and sustain more effective communications with their court executive officers.
- develop standardized analytic tools that evaluate performance among similar program management and service delivery models
- help counties sort out their data collection and analysis methods, strategies, and needs
- sort client profiles according to service delivery model ❖

## Miscellaneous News and Notes:

### 1. New staff on board!

Susan Hanks, Ph. D. is Coordinator for Special Services, specializing in domestic violence issues. Prior to joining the AOC, Dr. Hanks had been the Founding Director of the Family and Violence Institute, and Adjunct Professor at the California School of Professional Psychology in Alameda since 1983. She has maintained a private practice in adult and child therapy, and clinical and forensic consultation since 1975. She has been a member of the research faculty at Smith College.

Mimi Lyster, Special Consultant, joins us as a recent transplant from the Eastern Sierra (Mono and Inyo

Counties). Ms. Lyster has spent 17 years as a mediator, trainer, and strategic planning consultant practicing in both urban and rural areas of the state. She served on the Judicial Council's Commission on the Future of the California Courts and authored the book *Child Custody: Building Parenting Agreements That Work* (Nolo Press, 1996, 1997).

### Questionnaire

(write in or circle answers as appropriate).

1. Our office (has / does not have) (desktop / laptop) computers.

2. The people who use a computer in our office include:

some / all :

\_\_\_\_\_ administrative support

\_\_\_\_\_ program administrator

\_\_\_\_\_ mediators/investigators

\_\_\_\_\_ others \_\_\_\_\_

3. Our program does not have the technology to read electronic information or access the Internet, but I have my own (PC / MAC) (desktop / laptop) computer which I would use instead.

4. The "hardware" our office would use is a (PC / Mac / UNIX) machine.

5. Our office uses (MSWord / WordPerfect / other \_\_\_\_\_) word processing software.

6. Our office (has / does not have) access to the Internet.

7. Our office (has / does not have) an e-mail account or address.

8. Our office staff (is / is not) proficient using electronic communications.

9. I (would like to / would not) participate in an online bulletin board, conferencing or discussion project.

10. Our program staff (would / would not) check e-mail at least two times a week.

11. Our office (would / might / would not) utilize resource documents, newsletters, and other information online.

12. Our program (would like / would not like) to receive some of the documents that the AOC prepares on a disk rather than in a binder.

13. Our program (would feel / would not feel) comfortable having SOME electronic documents or other communications REPLACE mailings, binders, phone calls or faxes.

14. Our program staff would need additional (hardware / software / training / technical support) to be involved in these various electronic communications.

List type and extent of equipment, software, training, or technical support needed:

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15. I (would like / don't see the need for) expanding into electronic communication channels.

**Comments:** \_\_\_\_\_

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**Program support needs:**

**16.** Our office would like training, assistance or technical support in:

\_\_\_ Working with 1058 Child Support Facilitators and Commissioners.

\_\_\_ Gaining a voice in the court's administrative and budgeting process.

\_\_\_ Understanding and responding to the Trial Court Funding Act.

\_\_\_ Developing the staff, training and other resources needed to fully implement the Family Law Act, Uniform Practice Standards and Rules of Court.

\_\_\_ Other: \_\_\_\_\_

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**Additional Comments:**

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Name: \_\_\_\_\_

Title: \_\_\_\_\_

County: \_\_\_\_\_